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6 Attorney for Russell Brown, Chapter 13 Trustee

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8 **IN THE UNITED STATES BANKRUPTCY COURT**
9 **FOR THE DISTRICT OF ARIZONA**

10 In re:

11 CATHERINE ANNE WILLIAMSON,

12 Debtor.

13 And

14 ROBERT LANCASTER WILLIAMSON, III

15 Debtor,

16 In Proceedings Under Chapter 13

17 Case No. 2-15-bk-15653-PS

18 Case No. 2-16-bk-00788-PS

19

20 **APPLICATION TO APPOINT SPECIAL
COUNSEL FOR TRUSTEE**

21 The application of Russell Brown, duly appointed Trustee in the above captioned matter, by
22 and through undersigned counsel, respectfully represents:

23 1. Debtors' Schedules list a civil litigation claim as an asset of the bankruptcy estate.

24 2. On or about August 22, 2016, Debtors executed a fee agreement, whereby Debtors agreed
25 to employ Mark Wesbrooks of The Wesbrooks Law Firm, PLLC, to represent them in a civil litigation
26 matter on a contingency fee basis. The contingent fee agreement is attached hereto. By signing the fee
27 agreement, the Debtors agreed to employ Mark Wesbrooks of The Wesbrooks Law Firm, PLLC, to
28 represent her in the matter on a contingency basis of forty percent (40%) of any gross settlement, plus
costs.

1 3. On or about, December 14, 2015, Catherine Anne Williamson filed for relief under
2 Chapter 13 of the Bankruptcy Code. On or about, January 28, 2016, Robert Lancaster Williamson, III,
3 filed for relief under Chapter 13 of the Bankruptcy Code. On or about, September 14, 2016, the Court
4 entered an order for joint administration of the Debtors' bankruptcy cases.

5 4. The Debtors' right to recovery in the civil litigation matter is property of the bankruptcy
6 estate pursuant to 11 U.S.C. § 541 and §1306.

7 5. Any net recovery will be treated as a supplement to the Plan with payments going to
8 priority and general unsecured creditors first.

9 6. The Trustee wishes to employ Mark Wesbrooks as his special counsel on the basis of the
10 aforementioned Contingency Fee Agreement for the purpose of pursuing the estate's interest in the
11 Debtors' portion of the personal injury matter. Only in the event of a recovery will the bankruptcy estate
12 compensate Mark Wesbrooks for his fees and costs as special counsel. In the event of a recovery, the
13 compensation of attorney fees and costs will be paid from the recovery up to the amount of that recovery.

14 7. Applicant has selected Mark Wesbrooks for the reason that he is familiar with the civil
15 litigation claim in which representation of the Debtors has commenced and there exists a complete file
16 on the case.

17 8. Based on the affidavit attached hereto as Exhibit B, Mark Wesbrooks has no connection
18 with the Debtors' creditors or any other party in interest, other than his representation of the Debtors
19 concerning their civil litigation claim and his representation of the Debtors in their underlying
20 bankruptcy cases. Mark Wesbrooks represents no interest adverse to applicant or the estate in matters
21 upon which said individual is to be engaged for applicant, and employment of said individuals is in the
22 best interest of the estate.

23 9. Mark Wesbrooks recognizes that any final award of attorney fees and costs, as well as
24 any proposed settlement of the claim and all disbursements therefrom, are subject to review and approval
25 by the Bankruptcy Court.

26
27 WHEREFORE, the Trustee prays that as of August 22, 2016, (effective as of the date of the
28 signing of the fee agreement), he be authorized to employ and appoint Mark Wesbrooks of The
Wesbrooks Law Firm, to represent him for the purpose of pursuing the estate's interest in the Debtors'
portion of the civil litigation claim, with any settlement and all disbursements, including all fees and

1 costs, being subject to Bankruptcy Court approval.
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9 RUSSELL BROWN,
10 CHAPTER 13 TRUSTEE
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12 By:

13 Rachel Flinn ABN 027000
14 Staff Attorney for Chapter 13 Trustee
15 *Rflinn@ch13bk.com*

16 Copy of the foregoing mailed or emailed
17 to the following parties on the date of the
18 electronic signature affixed hereto:

19 Mark Wesbrooks
20 *Wesbrooksfax@gmail.com*
21 (Debtors' Attorney and Proposed Special Counsel)

22 Elizabeth C. Amorosi, Esq.
23 OFFICE OF THE UNITED STATES TRUSTEE
24 *Elizabeth.C.Amorosi@usdoj.gov*